



PATENT
Attorney Docket No. BSC-199
(1002/1267)

#11

Election
S. Boyce
12/17/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Bluni *et al.*
SERIAL NUMBER: 10/014,678 **ART UNIT:** 3738
FILING DATE: December 11, 2001 **EXAMINER:** Barrett, Thomas C.
TITLE: URETERAL STENTS AND RELATED METHODS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
DEC 12 2003
TECHNOLOGY CENTER R3700

RESPONSE TO ELECTION REQUIREMENT

This paper responds to an Office action, issued by the U.S. Patent and Trademark Office on November 7, 2003, in connection with the above-identified patent application. The shortened statutory period for response expires on December 8, 2003, December 7, 2003, being a Sunday. Applicants believe that no extension-of-time or other fee is required for this Response to be entered and considered. However, please consider this a conditional petition for the proper extension, if one is required, and a conditional authorization to charge any related extension fees necessary for entry of this paper to Deposit Account No. 20-0531.

Remarks, including a species election, begin on page 2 of this paper.

REMARKS

The Office action indicates that there are two patentably distinct species (I-II) of the distal portion and two patentably distinct sub-species (i-ii) of the tether connector. Although Applicants disagree with the species division, in order to advance prosecution, Applicants hereby elect, with traverse:

- species **II**, corresponding to **Figure 4B**; and
- sub-species **i**.

Applicants note that independent claims 1 and 15 are generic and readable on all species indicated in the Office action.

In addition, Applicants identify the following pending claims as readable on the elected species:

- claims 1, 3, 5-15, 17-20, and 22-32, readable on species **II**;
- claims 1, 3-8, 10-15, 17-19, and 21-32, readable on species **i**; and
- claims 1, 3, 5-8, 10-15, 17-19, and 22-32, readable on both elected species.

Applicants respectfully request reconsideration and withdrawal of the species election requirement insofar as a search for publications relating to any of the species should reveal publications relating to the other species, and thus would not impose a serious burden on the Examiner.

It is understood that claims readable on any non-elected species that are withdrawn from consideration and that depend from otherwise allowable base claims will be allowable upon allowance of the base claims.

Applicants respectfully request that examination of this application now promptly resume.

Respectfully submitted,



Mark L. Beloborodov
Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP
125 High Street
Boston, Massachusetts 02110

Date: December 8, 2003
Reg. No. 50,773

Tel. No.: (617) 248-7453
Fax No.: (617) 248-7100
2718377